

Effective 5/10/2016

17-27a-301 Ordinance establishing planning commission required -- Exception -- Ordinance requirements -- Planning advisory area planning commission -- Compensation.

- (1)
- (a) Except as provided in Subsection (1)(b), each county shall enact an ordinance establishing a countywide planning commission for the unincorporated areas of the county not within a planning advisory area.
 - (b) Subsection (1)(a) does not apply if all of the county is included within any combination of:
 - (i) municipalities;
 - (ii) planning advisory areas with their own planning commissions; and
 - (iii) mountainous planning districts.
 - (c)
 - (i) Notwithstanding Subsection (1)(a), and except as provided in Subsection (1)(c)(ii), a county that designates a mountainous planning district shall enact an ordinance, subject to Subsection (1)(c)(ii), establishing a planning commission that has jurisdiction over the entire mountainous planning district, including areas of the mountainous planning district that are also located within a municipality or are unincorporated.
 - (ii) A planning commission described in Subsection (1)(c)(i):
 - (A) does not have jurisdiction over a municipality described in Subsection 10-9a-304(2)(b); and
 - (B) has jurisdiction subject to a local health department exercising its authority in accordance with Title 26A, Chapter 1, Local Health Departments and a municipality exercising the municipality's authority in accordance with Section 10-8-15.
 - (iii) The ordinance shall require that:
 - (A) members of the planning commission represent areas located in the unincorporated and incorporated county;
 - (B) members of the planning commission be registered voters who reside either in the unincorporated or incorporated county;
 - (C) at least one member of the planning commission resides within the mountainous planning district; and
 - (D) the county designate up to four seats on the planning commission, and fill each vacancy in the designated seats in accordance with the procedure described in Subsection (7).
- (2)
- (a) The ordinance described in Subsection (1)(a) or (c) shall define:
 - (i) the number and terms of the members and, if the county chooses, alternate members;
 - (ii) the mode of appointment;
 - (iii) the procedures for filling vacancies and removal from office;
 - (iv) the authority of the planning commission;
 - (v) subject to Subsection (2)(b), the rules of order and procedure for use by the planning commission in a public meeting; and
 - (vi) other details relating to the organization and procedures of the planning commission.
 - (b) Subsection (2)(a)(v) does not affect the planning commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.
- (3)
- (a)
 - (i) If the county establishes a planning advisory area planning commission, the county legislative body shall enact an ordinance that defines:
 - (A) appointment procedures;

- (B) procedures for filling vacancies and removing members from office;
 - (C) subject to Subsection (3)(a)(ii), the rules of order and procedure for use by the planning advisory area planning commission in a public meeting; and
 - (D) details relating to the organization and procedures of each planning advisory area planning commission.
- (ii) Subsection (3)(a)(i)(C) does not affect the planning advisory area planning commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.
- (b) The planning commission for each planning advisory area shall consist of seven members who shall be appointed by:
- (i) in a county operating under a form of government in which the executive and legislative functions of the governing body are separated, the county executive with the advice and consent of the county legislative body; or
 - (ii) in a county operating under a form of government in which the executive and legislative functions of the governing body are not separated, the county legislative body.
- (c)
- (i) Members shall serve four-year terms and until their successors are appointed and qualified.
 - (ii) Notwithstanding the provisions of Subsection (3)(c)(i), members of the first planning commissions shall be appointed so that, for each commission, the terms of at least one member and no more than two members expire each year.
- (d)
- (i) Each member of a planning advisory area planning commission shall be a registered voter residing within the planning advisory area.
 - (ii) Subsection (3)(d)(i) does not apply to a member described in Subsection (4)(a) if that member was, prior to May 12, 2015, authorized to reside outside of the planning advisory area.
- (4)
- (a) A member of a planning commission who was elected to and served on a planning commission on May 12, 2015, shall serve out the term to which the member was elected.
 - (b) Upon the expiration of an elected term described in Subsection (4)(a), the vacant seat shall be filled by appointment in accordance with this section.
- (5) Upon the appointment of all members of a planning advisory area planning commission, each planning advisory area planning commission under this section shall begin to exercise the powers and perform the duties provided in Section 17-27a-302 with respect to all matters then pending that previously had been under the jurisdiction of the countywide planning commission or planning advisory area planning and zoning board.
- (6) The legislative body may fix per diem compensation for the members of the planning commission, based on necessary and reasonable expenses and on meetings actually attended.
- (7)
- (a) Subject to Subsection (7)(f), a county shall fill a vacancy in a planning commission seat described in Subsection (1)(c)(iii)(D) in accordance with this Subsection (7).
 - (b) If a county designates one or more planning commission seats under Subsection (1)(c)(iii)(D), the county shall identify at least one and up to four cities that:
 - (i)
 - (A) are adjacent to the mountainous planning district; and
 - (B) border the entrance to a canyon that is located within the boundaries of the mountainous planning district and accessed by a paved road maintained by the county or the state; or
 - (ii) exercise extraterritorial jurisdiction in accordance with Section 10-8-15.

- (c) When there is a vacancy in a planning commission seat described in Subsection (1)(c)(iii)(D), the county shall send a written request to one of the cities described in Subsection (7)(b), on a rotating basis, if applicable, for a list of three individuals, who satisfy the requirements described in Subsection (1)(c)(iii)(B), to fill the vacancy.
- (d) The city shall respond to a written request described in Subsection (7)(c) within 60 days after the day on which the city receives the written request.
- (e) After the county receives the city's list of three individuals, the county shall submit one of the individuals on the list for appointment to the vacant planning commission seat in accordance with county ordinance.
- (f) The county shall fill the vacancy in accordance with the county's standard procedure if the city fails to timely respond to the written request.

Amended by Chapter 411, 2016 General Session